

**EXHIBIT C-9**

**Grace Cal. App. Docket**

# Appellate Courts Case Information

**CALIFORNIA COURTS**  
THE JUDICIAL BRANCH OF CALIFORNIA

2nd Appellate District

Change court

Court data last updated: 06/04/2020 10:48 AM

## Docket (Register of Actions)

**Smolker v. W. R. Grace & Co. et al.**

**Division 7**

**Case Number B281406**

Date	Description	Notes
03/21/2017	Notice of appeal lodged/received.	Filed by Gary Smolker on 3/15/17
03/24/2017	Filing fee.	Check #6551 \$775
04/04/2017	Civil case information statement filed.	Plaintiff and Appellant: Gary Smolker Attorney: Gary S. Smolker
08/01/2017	Record on appeal filed.	C-2 (452 Pages) R-1
09/11/2017	Requested - extension of time	Appellant's opening brief. Requested for 11/09/2017 By 59 Day(s)
09/11/2017	Granted - extension of time.	Appellant's opening brief. Due on 11/09/2017 By 59 Day(s)
11/08/2017	Requested - extension of time	Appellant's opening brief. Requested for 02/09/2018 By 92 Day(s)
11/08/2017	Granted - extension of time.	Appellant's opening brief. Due on 01/05/2018 By 57 Day(s)  No further extensions of time will be granted.

12/29/2017	Requested - extension of time	Appellant's opening brief. Requested for 02/15/2018 By 41 Day(s)
01/03/2018	Denied - extension of time.	
01/10/2018	Appellant notified re failure to timely file opening brief.	AOB was due on or before 1/5/18;
01/25/2018	Appellant's opening brief.	Plaintiff and Appellant: Gary Smolker Attorney: Gary S. Smolker
02/26/2018	Respondent's brief.	Cross-defendant and Respondent: W. R. Grace & Co. Attorney: Rosemarie S. Lewis Cross-defendant and Respondent: Grace Davidson Attorney: Rosemarie S. Lewis
03/19/2018	Appellant's reply brief.	Plaintiff and Appellant: Gary Smolker Attorney: Gary S. Smolker
03/19/2018	Case fully briefed.	
03/19/2018	Notice sent to parties re: case fully briefed.	
03/20/2018	Filed document entitled:	respondent's notice of unavailability: 5/16 - 5/21/18 and 5/24 - 6/7/18;
04/06/2018	Order filed.	Appellant has three pending appeals arising out of LASC Case No. BC173952. Briefing is complete in this case, B281406, but not in B286138 (Truck Insurance Exchange v. Smolker) and B287626 (Smolker v. Home Savings Termite Control Inc.) Appellant has asserted in this case that the same issues arise in all three cases. Accordingly, the cases will be considered together, at such time as briefing is complete in all cases.
04/30/2018	Application filed to:	respondents application to shorten time for oral argument and for further relief (from the court's 4/6/18 order)
05/02/2018	Order filed.	The court has read and considered respondents' April 30, 2018 application to shorten the time for oral argument and for further relief from the April 6, 2018 order. IT IS HEREBY ORDERED that respondents' application is denied.

10/23/2019	Motion filed.	Appellant's motion to consolidate appeal cases for oral argument and for order ordering respondent's attorneys to pay appellant for detriment caused to appellant
10/23/2019	Exhibits filed in support of:	Appellant's October 23, 2019 motion to consolidate appeals ~ 2 volumes
10/23/2019	Received:	Appellant proposed order re October 23, 2019 motion
11/05/2019	Order filed.	The court has read and considered appellant's October 23, 2019 motion to consolidate appeals and for order ordering attorney Rosemarie S. Lewis et al. to pay appellant for detriment caused to appellant. No opposition thereto was filed. Good cause appearing therefor, IT IS HEREBY ORDERED that the motion is denied in its entirety.
12/10/2019	Calendar notice sent electronically. Calendar date:	January 10, 2020 at 1:30 p.m.
12/19/2019	Request for oral argument filed by:	Rosemarie S. Lewis for respondent. (213)624-2869
12/23/2019	Motion filed.	Appellant's request for rescheduling oral argument
12/23/2019	Received:	Appellant's proposed order re motion to continue oral argument
12/24/2019	Order filed.	The court has read and considered appellant Gary Smolker's December 20, 2019 request to continue oral argument. Good cause appearing therefor, IT IS HEREBY ORDERED that appellant's request for continuance is denied.
01/02/2020	Request filed to:	Appellant's request for more time for oral argument on January 10, 2020 in accordance with CRC 8.25 (c).
01/02/2020	Request filed to:	Appellant's request to submit additional briefing documents "as is" or as an attachment to supplemental brief in accordance with CRC 8.200 (a) (4).
01/02/2020	Received letter from:	Gary S. Smolker, appellant in pro per. Re: CRC 8.254 regarding new authority.

01/03/2020	Order filed.	The court has read and considered appellant's January 2, 2020 request to file a supplemental brief and additional documents. Good cause appearing therefor, IT IS HEREBY ORDERED that appellant's request is denied.
01/03/2020	Order filed.	On April 6, 2018, this Court issued the following order : "Appellant has three pending appeals arising out of LASC Case No. BC173952. Briefing is complete in this case, B281406, but not in B286138 (Truck Insurance Exchange v. Smolker) and B287626 (Smolker v. Home Savings Termite Control, Inc.). Appellant has asserted in this case that the same issues arise in all three cases. Accordingly, the cases will be considered together, at such time as briefing is complete in all cases. " The Court is of the tentative view that the trial court did not err in granting the motions to dismiss. The only issue to be addressed at oral argument is the procedural issue arising from the dismissals; the merits of the case are not at issue at this time, and the Court will not entertain argument pertaining to those issues. Consistent with the April 6, 2018 order, each side shall have a maximum of 30 minutes of argument time in this matter. Respondents shall advise the Court prior to argument how they intend to divide their time, and appellant shall advise whether he wishes to reserve any portion of his time for rebuttal.
01/08/2020	Received:	Request for copy of oral argument scheduled for 1/10/20
01/10/2020	Cause argued and submitted.	
01/14/2020	Received:	Request for copy of oral argument audio recording from Rosemarie S. Lewis
01/14/2020	Received:	Request for copy of oral argument audio recording by appellant Gary Smolker.
01/22/2020	Opinion filed.	(Signed Unpublished) The judgments are affirmed. Respondents shall recover their costs on appeal. [Z-P-F]
02/10/2020	Application filed to:	Appellant Smolker's application seeking relief to file late petition for rehearing
02/10/2020	Application filed to:	Appellant Smolker's second application seeking relief to file late petition for rehearing
02/10/2020	Received:	Appellant Smolker's belated petition for rehearing

02/10/2020	Rehearing petition filed.	Appellant Smolker
02/13/2020	Order denying rehearing petition filed.	
02/20/2020	Received:	Appellant's second petition for rehearing of decisions.
02/21/2020	Order filed.	Appellant Smolker's February 20, 2020 request to file a late, second petition for rehearing is denied (Cal. Rules of Court, rule 8.268(b)(1)(A)).
02/21/2020	Request filed to:	Appellant Smolker's request relieving appellant for failure to file a timely a petition for rehearing
02/21/2020	Order filed.	Appellant Smolker's February 21, 2020 request seeking leave to file a late second petition for rehearing, submitted shortly before the close of business on the final day of this court's jurisdiction in this matter, is denied (Cal. Rules of Court, rule 8.268(b)(1)(A)).
03/04/2020	Record transmitted to Supreme Court.	1x2"
03/04/2020	Record transmitted to Supreme Court electronically.	Briefs
04/29/2020	Petition for review denied in Supreme Court.	The petition for review is denied.
05/04/2020	Remittitur issued.	
05/04/2020	Case complete.	
04/30/2020	Record returned from Supreme Court.	1x2"

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